

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

-against-

JOHN B. KERN,

Defendant.

ANALISA TORRES, District Judge:

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 10/9/2019

18 Misc. 479 (AT)

**ORDER**

On October 18, 2018, the Securities and Exchange Commission (the “SEC”) commenced this action. ECF No. 1. To date, Defendant has not appeared. In a letter to the Court, the SEC suggested that “if Mr. Kern fails to appear for the October 16, 2019 hearing, the Commission will respectfully request that the Court find Mr. Kern in default and convert the Commission Order to a Judgment so that it may be enforced.” ECF No. 20 at 2. The SEC, however, has not moved for default judgment pursuant to Federal Rule of Civil Procedure 55 or Local Civil Rule 55.

Accordingly, by **October 11, 2019, at 12:00 p.m.**, the SEC shall file a letter explaining whether judgment can be obtained without the SEC first moving under Rule 55.

SO ORDERED.

Dated: October 9, 2019  
New York, New York



ANALISA TORRES  
United States District Judge